

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

 In re: Terrorist Attacks on
September 11, 2001¹

No. 03 MDL 1570 (GBD) (SN)

**DECLARATION OF
AISHA E. R. BEMBRY**

I, Aisha E. R. Bembry, declare and say that the following statements are true as a matter of my personal knowledge:

1. I am a member in good standing of the bars of Maryland and the District of Columbia and a partner with the law firm of Lewis Baach Kaufmann Middlemiss PLLC, counsel of record for Defendants Muslim World League (“MWL”) and International Islamic Relief Organization (“IIRO”) (collectively referred to herein as “Defendants”) in the above-captioned action. I have been admitted *pro hac vice* as counsel for Defendants in this action. I make this declaration in support of Defendants’ memorandum of law in opposition to Plaintiffs’ motion for sanctions, filed in the above-captioned case on December 1, 2017.

2. Along with other members of the firm, I have been involved in efforts to locate and produce documents responsive to Plaintiffs’ documents requests. In this regard, members of the firm have worked closely with representatives of MWL and IIRO, including the members of IIRO’s internal legal department which consists of no more than 3 foreign attorneys. MWL has no internal legal department.

¹ This applies to: *Ashton, et al. v. Al Qaeda Islamic Army, et al.*, Case No. 02-cv-6977 (GBD) (SN); *Burnett, Sr., et al. v. Al Baraka Investment & Development Corp., et al.*, Case No. 03-cv-9849 (GBD) (SN); *Cantor Fitzgerald & Co., et al. v. Akida Bank Private Ltd., et al.*, Case No. 04-cv-7065 (GBD) (SN); *Continental Casualty Co., et al. v. Al Qaeda et al.*, Case No. 04-cv-05970 (GBD) (SN); *Euro Brokers Inc., et al. v. Al Baraka, et al.*, Case No. 04-cv-7279 (GBD)(SN); *Federal Insurance Co., et al. v. Al Qaida, et al.*, Case No. 03-cv-6978 (GBD) (SN); *O’Neill, Sr., et al. v. Al Baraka et al.*, Case No. 04-cv-1923 (GBD) (SN).

3. Since document discovery began in this action, Plaintiffs have served over 275 requests on MWL and IIRO, some of which include sub-parts listing a combined total of over 260 names of individuals and entities.

4. In the first half of 2011, prior to the firm's retention as counsel for Defendants in this action, Plaintiffs filed two motions to compel seeking the Court's assistance in resolving disputes concerning the production of documents by Defendants.

5. In April 2011, Plaintiffs' motions to compel were granted in part and denied in part, as reflected in the transcript of the conference held in this action on April 12, 2011 and the Order of this Court dated April 26, 2011 (ECF No. 2424) (collectively, the "April 2011 orders").

6. Approximately four months later, in August 2011, Plaintiffs filed a motion for sanctions, which asserts that Defendants failed to comply with the Court's April 2011 orders.

7. In November 2011, the Court denied Plaintiffs' 2011 motion for sanction, as reflected in the transcript of the conference held in this action on November 16, 2011.

8. This firm was retained as counsel in late 2012 to replace Defendants' prior counsel, McMahon and Associates.

9. As detailed in Defendants' Memorandum of Law in Opposition to Plaintiffs Motion to Compel, which is dated January 5, 2018, and the accompanying declaration of my partner Waleed Nassar, members of the firm have been engaged in meet-and-confer discussions with Plaintiffs' counsel regarding concerns relating to Defendants' compliance with the April 2011 Orders as well as other perceived deficiencies in Defendants' productions since 2013. I have been involved in many of those discussions. The last meet-and-confer between the parties occurred on October 5, 2016.

10. During these discussions, Plaintiffs' counsel was informed of Defendants' objections to the geographic scope of Plaintiffs' document requests as it relates to documents located in Defendants' various foreign branch offices.

11. As detailed in Defendants' Memorandum of Law in Opposition to Plaintiffs Motion to Compel, which is dated January 5, 2018, and the accompanying declarations of Ammar Chaouat, Mohamed Fawzi, and Waleed Nassar, dozens of cross-Atlantic trips were conducted by a team of attorneys fluent in Arabic to review and collect records in 17 offices located in 14 different countries. As a result of those efforts, nearly 500,000 pages of responsive records have been produced within the deadlines set by this Court

12. Attached hereto are true and correct copies of the following documents:

- Exhibit 1: December 21, 2007 Order, ECF No. 2059
- Exhibit 2: Excerpted portions of the November 16, 2011 Transcript
- Exhibit 3: Excerpted portions of the April 11, 2008 Transcript
- Exhibit 4: Excerpted portions of the June 23, 2011 Transcript
- Exhibit 5: Excerpted portions of the April 12, 2011 Transcript
- Exhibit 6: Excerpted portions of the July 13, 2011 Transcript
- Exhibit 7: April 26, 2011 Order, ECF No. 2424
- Exhibit 8: August 31, 2016 Order, ECF No. 3338
- Exhibit 9: October 28, 2015 MWL & IIRO Letter to Judge Frank Maas, ECF No. 3086 (without exhibits)
- Exhibit 10: January 21, 2016 MWL & IIRO Letter to Judge Fank Maas, ECF No. 3203 (without exhibits)

Dated: January 5, 2018

_____/s/
Aisha E. R. Bembry